

12-50

Before the
Federal Communications Commission
Washington, DC 20554

Altaphon, Inc.
Petition for Waiver of 47 CFR 22.531
WPZM691 through WPZM770

FILED/ACCEPTED

FEB 29 2012

Federal Communications Commission
Office of the Secretary

August 1, 2007

Altaphon, Inc. bid on and was awarded 80 licenses in Auction 48 for base station transmitters in the Paging and Radiotelephone service. Altaphon was the only bidder for these licenses. Call signs WPZM691 through WPZM770 were assigned, for frequencies in the 35 and 43 MHz regions in five western states. A one-way voice and data service was planned and is being implemented at several sites covered by these licenses. However, demand for one-way services in "Lower Band VHF" has been substantially less than anticipated, and several commercial and government entities have requested common carrier service that would encompass mobile transmitters as well as base transmitters. We respectfully request a waiver of §22.531 of the Commission's Rules to permit operation of mobile transmitters within the operational areas of the subject licenses, as well as the authorized base transmitters. Common-carrier applications for services permitted by this waiver range from conventional radiotelephone and dispatch service to public safety facilities monitoring and interoperability gateway services. In every case the intent in requesting the waiver is to provide service in rural and remote areas where the economics of high UHF service have not made such service practical.

The "Lower Band" VHF frequencies in 35-36 and 43-44 MHz were originally used for mobile telephone service by the wireline carriers from 1949 through the 1970's, in nine paired "channels" spaced 40 kHz apart. Each channel consisted of a 35 MHz base frequency and a mobile frequency 8 MHz higher. When this service was discontinued, the frequencies were released for one-way paging use, with the requirement that the former mobile channels in the 43 MHz segment operate with developmental authorizations only until they were proven to not cause interference with television reception. This requirement has since been lifted, and licensees may transmit 500 or 600 watts ERP from any number of fixed locations within their geographic area license.

The one-way paging service in general has attracted fewer users recently, with the advent of readily available cellular telephone service. The existing nationwide networks of paging transmitters in the 900 MHz band provide service to nearly all suburban and urban paging customers at low cost. The one significant gap in coverage is in rural and remote areas where the long range propagation characteristics of lower VHF frequencies permit economical operation over sparsely populated regions of the country, and where

there is insufficient demand for cellular-type service.

The petitioner operates several high level remote communications sites for private and governmental clients in the western states, and is principally involved in providing engineering support for high reliability communications in remote areas. Several entities have inquired about the availability of highly reliable regional communications, for which the low VHF frequencies would be ideal. Petitioner would like to offer such service and is prepared to do so, but is constrained by the requirement of the authorizations and §22.531 to offer only one-way base station service. One approach would be to provide common carrier relay services to licensees of low-VHF frequencies in the Private Land Mobile Radio Services, but the Rules make no specific provision for this type of operation.

Petitioner believes that there is no technical or administrative reason that mobile operation cannot be permitted on base frequencies in the 35-36 and 43-44 MHz bands. Other services have licensed mobile and base transmitters in these bands, and any concern over television interference has been addressed with the developmental authorization period formerly required for base station operations. At present, licensees may operate any number of 500 or 600 watt base stations within the authorized area, but no mobiles. A mobile station cannot cause any more interference than would a base station.

In order to expand the availability of two-way communications services in rural areas and to provide reliable communications over a wide area for critical needs, Petitioner respectfully requests that a waiver of §22.531 be granted for the subject licenses to permit mobile as well as base operation on the licensed frequencies and within the licensed geographic areas of operation. Mobiles would operate under licensee's control in accordance with §22.571 and licensee would maintain control of the system in accordance with §22.573. A transmitter output power of 110 watts would be sufficient, as is commonly authorized for mobiles in Part 90. Potential interference with other licensees would be resolved in accordance with §22.352 as it is for base stations.

Respectfully submitted

(s)
David Josephson, V. P. Operations
Altaphon, Inc.
329A Ingalls Street
Santa Cruz, California 95060